

Response under 37 C.F.R. §1.116
Attorney Docket No. 011254
Serial No. 09/960,398

REMARKS

Claims 1-14, 30 and 31 are pending in the present application. Claims 1, 2, 5, 6, 9, 10, 13, 30 and 31 are allowed. Claims 3, 4, 7, 8, 11, 12 and 14 are rejected.

Claim Rejections under 35 U.S.C. §103

Claims 3, 4, 7, 8, 11, 12 and 14 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,573,553 to Nakamura in view of JP 2000-286396A to Hiyama et al.

Applicants note that Nakamura is a reference only under section (e) of U.S.C. §102. Applicants further note that the present invention was filed on September 24, 2001.

Applicants submit that both the present invention and Nakamura were, at the time the invention was made, subject to assignment to the same entity. Therefore, without commenting on the substance of the rejection under §103, Applicants submit that Nakamura may not be used in any rejection under §103.

Therefore, Applicants submit that the rejection under §103 should be withdrawn.

In view of the aforementioned remarks, Applicants submit that that the claims are in condition for allowance. Applicants request such action at an early date.


If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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